

10/069683

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 James S. Nowick, et al. )

Art Unit: Not Assigned

Application No.: 10/069,683 )

Examiner: Not Assigned

Filed: February 22, 2002 )

For: Compositions of Matter and )  
 Methods Useable to Mimic Tripeptide )  
 Beta Strands, to Block Beta-sheet )  
 Dimerization of Protein, to Block )  
 Protein-Protein Beta-sheet Interactions )  
 and/or to Interact with Proteins by Beta- )  
 sheet Interaction )

Box Missing Parts  
 Commissioner for Patents  
 Washington, D.C. 20231

**Response to Notice to File Missing Parts  
 And Transmittal Letter**

Dear Sir:

Applicant hereby responds to the Notice to File Missing Parts of Application mailed April 19, 2002.

Applicant disagrees with the stated requirement that Applicant submit a nucleotide and/or amino acid sequence listing compliant with 37 C.F.R. §1.821(c). Applicant does not believe that the peptides described in this application are large enough to require compliance with 37 C.F.R. §1.821(c). Specifically, all peptides described in the specification are believed to be tripeptides having unbranched amino acid sequences of only three (3) amino acids. 37 C.F.R. 1.821(a) provides, in pertinent part, that "[n]ucleotide and/or amino acid sequences as used in §§ 1.821 through §§ 1.825 are interpreted to mean an unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides. Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section." (*Emphasis added*) Thus, because the peptides described in the specification consist of unbranched sequences of only three (3) amino acids, a sequence listing in accordance with 37 C.F.R. §1.821(c) is not required. If the Office maintains that such a Sequence Listing Appendix in accordance with 37

C.F.R. §1.821(c) is required. Applicant respectfully requests that the Office inform Applicant as to which specific peptides described in the specification are believed to consist of more than three amino acids so as to qualify under the above-quoted language of 37 C.F.R. §1.821(c).

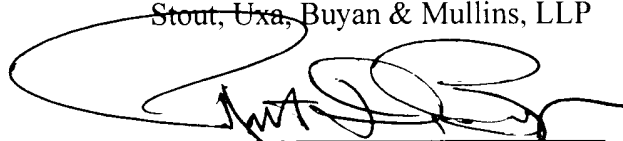
As to the remaining requirements set forth in the Notice, Applicant is enclosing herewith the following:

- ☒ A Declaration of Inventorship and Limited Power of Attorney is enclosed.
- ☒ An Assignment of the invention to The Regents of the University of California , including a cover sheet.
- ☒ Power of Attorney by Assignee and Exclusion of Inventor(s) under 37 C.F.R. 3.71
- ☐ The following declaration(s) in support of Small Entity status for this application are enclosed:
  - ☐ Inventor(s).
  - ☐ Individual other than inventor.
  - ☐ Nonprofit organization.
  - ☐ Small business concern.
- ☒ Check No. 2694 in the amount of \$506.00.

All outstanding requirements are now believed to have been met. The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,  
Stout, Uxa, Buyan & Mullins, LLP

Date: July 19, 2002



Robert D. Buyan, Reg. No. 32,460

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#### **CERTIFICATE OF MAIL**

I hereby certify that this Transmittal letter, the above-identified documents and papers, and a return postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on July 19, 2002 and is addressed to Box MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231

**Express Mail Label No.: EV097454951US**



Francine Sanders, Assistant



UNITED STATES PATENT AND TRADEMARK OFFICE

See this notice in International Box 251  
United States Patent and Trademark Office  
Washington, DC 20590-0251  
www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10 069,683                  | James S. Nowick       | UCIVN-001US      |

Robert D Buyan  
Stout Uxa Buyan & Mullins  
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|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/US00/23049                |               |
| IA FILING DATE                | PRIORITY DATE |
| 08/23/2000                    | 08/23/1999    |

CONFIRMATION NO. 3685  
371 FORMALITIES LETTER



\*OC000000008123669\*

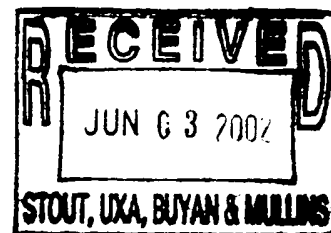
Date Mailed: 05/20/2002

*Response Due 7/20/02*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)
- Additional claim fees of **\$336** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$466** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$336**
  - **\$336** for 4 independent claims over 3.
- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 305-6421

PART 1 - ATTORNEY/APPLICANT COPY

|  |                               |                   |
|--|-------------------------------|-------------------|
|  | INTERNATIONAL APPLICATION NO. | ATTY. PROCKET NO. |
|--|-------------------------------|-------------------|

FORM PCT DO/EO/905 (371 Formalities Notice)